

**CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2010, I electronically filed the foregoing Plaintiffs' Statement of Undisputed Material Facts Relating to Cross Motion (Rule 56.1), with the Clerk of the District Court using the CM/EFC system, which I sent notification of such filing to the following:

Dov Kesselman  
Seyfarth Shaw LLP  
6240 Eighth Avenue  
New York, New York 10018

*Attorney for Defendant*

By: s/Larry J McCord  
Larry J McCord and Associates, LLC  
Attorney for Plaintiffs